REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed October 5, 2005. Upon entry of the amendments in this response, claims 1 – 25 and 27 – 36 remain pending. In particular, Applicants amend claims 1, 19, and 36. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Rejections Under 35 U.S.C. §102

A proper rejection of a claim under 35 U.S.C. §102 requires that a single cited art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

A. Claim 1 is Patentable

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Number 5,592,551 ("*Lett*"). Applicants respectfully traverse this rejection on the grounds that the cited art does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 1 recites:

> A method for providing media services via an interactive media services client device coupled to a programmable media services server device, said method comprising:
>
> providing a user with an interactive program guide (IPG), the IPG including a television program schedule, the television program schedule including at least one currently scheduled television program, said currently scheduled television program being scheduled for broadcast to a plurality of users at a predetermined current time, and at least one future television program, ***said future television program being otherwise available only via a scheduled broadcast to a plurality of users at a predetermined later time***;
>
> receiving user input requesting said future television program for display at a user-defined time, wherein said user-defined time is prior to

said later time, and wherein said user input requesting said future television program for display at a user-defined time includes a request for ***beginning a display of the future television program at a time when said future television program is not scheduled to begin broadcasting to a plurality of users***; and

providing said user with said future television program at said user-defined time. (emphasis added)

Applicants respectfully submit that in light of the new amendments, claim 1, as amended is allowable.

B. Claim 19 is Patentable

The Office Action indicates that claim 19 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Number 5,592,551 ("*Lett*"). Applicants respectfully traverse this rejection on the grounds that the cited art does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 19 recites:

A media services device for providing a client device with a media presentation, said device comprising:

logic configured to receive from a cable television system (CTS) a television program schedule, said television program schedule including at least one currently scheduled television program, said currently scheduled television program being scheduled for broadcast to a plurality of users at a predetermined current time, said television program schedule including at least one future television program, ***said future television program being otherwise available only via a scheduled broadcast to a plurality of users at a predetermined later time***;

logic configured to provide said client device with information related to an interactive program guide (IPG) that includes said television program schedule; and

logic configured to provide said client device with said future television program at a user-defined time according to a received user input,

wherein said user-defined time is prior to said later time, and

wherein said received user input can include a request for beginning a display of the future television program at a time when

said future television program is not scheduled to begin broadcasting to a plurality of users. (emphasis added)

Applicants respectfully submit that in light of the new amendments, claim 19, as amended is allowable.

C. Claim 36 is Patentable

The Office Action indicates that claim 36 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Number 5,592,551 ("*Lett*"). Applicants respectfully traverse this rejection on the grounds that the cited art does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 36 recites:

> A media services client device for providing a user with a media presentation, said device comprising:
>
> logic configured to receive from a cable television system (CTS) a television program schedule, said television program schedule including at least one currently scheduled television program, said currently scheduled television program being scheduled for broadcast to a plurality of users at a predetermined current time, and at least one future television program, ***said future television program being otherwise available only via a scheduled broadcast to a plurality of users at a predetermined later time***;
>
> logic configured to provide said user with an interactive program guide (IPG) configured to display the television program schedule; and
>
> ***logic configured to provide said user with said future television program at a user-defined time,***
>
> ***wherein said user-defined time is prior to said later time***, and
>
> wherein said logic configured to provide said user with said future television program at a user-defined time includes ***logic configured to begin presentation of said future television program at a time when said future television program is not scheduled to begin broadcasting to a plurality of users. (emphasis added)***

Applicants respectfully submit that in light of the new amendments, claim 36, as amended is allowable.

D. Claims 2 – 3, 7 – 10, 18, 20, 22, 25, 27, and 35 are Patentable

In addition, dependent claims 2 – 3, 7 – 10, and 18 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Further, dependent claims 20, 22, 25, 27, and 35 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 19. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

II. Rejections Under 35 U.S.C. §103

In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the cited art reference must suggest all features of the claimed invention to one of ordinary skill in the art. *See, e.g., In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). Further, "[t]he PTO has the burden under section 103 to establish a prima facie case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

A. Claims 4 and 21 are Patentable

The Office Action indicates that claims 4 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Lett*. Applicants respectfully traverse this rejection for at least the reason that the cited art does not disclose, teach, or suggest all of the claimed elements. More

specifically, dependent claim 4 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 1. Additionally, claim 21 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 19. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

B. Claims 5, 6, 23, and 24 are Patentable

The Office Action indicates that claims 5, 6, 23 and 24 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Lett* in view of U.S. Patent Number 5,815,145 ("*Matthews, III*"). Applicants respectfully traverse this rejection for at least the reason that the cited art does not disclose, teach, or suggest all of the claimed elements. More specifically, dependent claims 5 and 6 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Additionally, claims 23 and 24 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 19. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

C. Claims 11, 12, 28, and 29 are Patentable

The Office Action indicates that claims 11, 12, 28 and 29 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Lett* in view of WO 99/60790 ("*Ellis*"). Applicants respectfully traverse this rejection for at least the reason that the cited art does not disclose, teach, or suggest all of the claimed elements. More specifically, dependent claims 11 and 12 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Further, dependent claims 28 and 29 are believed to be allowable for at

least the reason that these claims depend from allowable independent claim 19. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

D. Claims 13, 14, 30 and 31 are Patentable

The Office Action indicates that claims 13, 14, 30 and 31 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Lett* in view of U.S. Patent Number 5,682,597 ("*Ganek*"). Applicants respectfully traverse this rejection for at least the reason that the cited art does not disclose, teach, or suggest all of the claimed elements. More specifically, dependent claims 13 and 14 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Additionally, dependent claims 30 and 31 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 19. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

E. Claims 15 – 17 and 32 – 34 are Patentable

The Office Action indicates that claims 15 – 17 and 32 – 34 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Let* in view of U.S. Patent Number 5,751,282 ("*Girard*"). Applicants respectfully traverse this rejection for at least the reason that the cited art does not disclose, teach, or suggest all of the claimed elements. More specifically, dependent claims 15 – 17 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Additionally, dependent claims 32 – 34 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 19.

In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc., 303 F.3d 1294, 1299 (Fed. Cir. 2002).

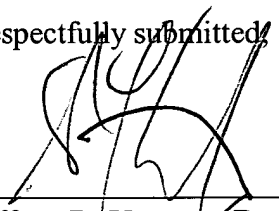
CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Further, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



Jeffrey R. Kuester, Reg. No. 34,367

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500